COURT, U. S.
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No. 73-864

In the Supreme Court of the United States

OCTOBER TERM, 1973

DANIEL CAHALANE, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ROBERT H. BORK,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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On July 26, 1973, petitioner appeared before a grand jury in the United States District Court for the Eastern District of Pennsylvania, pursuant to an order granting him testimonial immunity under 18 U.S.C. 6002. He refused to answer questions concerning his involvement in large-scale firearms purchases, and repeated his refusal when taken before the district court and again asked the questions. He was held in civil contempt and ordered confined for the life of the grand jury or until he purged himself of the contempt.

The term of the jury expired on February 22, 1974, and petitioner was released from custody the same day. The case is therefore moot. See, *e.g.*, *St. Pierre* v. *United States*, 319 U.S. 41; *Licata* v. *United States*, 429

F. 2d 1177 (C.A. 9), vacated, 400 U.S. 938; *In re Parker,* 411 F. 2d 1067 (C.A. 10), vacated, 397 U.S. 96.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
Solicitor General.

MARCH 1974.